

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

V.

NO. A-11 CR 259 LY (1)

JOSE RAMIRO VICHARELLY

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JOSE RAMIRO VICHARELLY, Defendant in the above styled and numbered cause, and files this, his Motion for continuance of the present sentencing date, and in support thereof would show:

I.

Defendant was charged by indictment with several counts of Visa Fraud and Encouraging Aliens to Illegally enter the United States. He pled guilty to two counts and is awaiting sentencing, presently set for February 3, 2012.

II.

The Defendant respectfully requests that the Court grant a motion for continuance and set a new sentencing date based on the following:

1. The Attorney requests more time to resolve sentencing issues with the government. The resolution of these issues are critical to the ultimate sentence of the defendant and could affect the issues addressed at the sentencing hearing. A brief delay in sentencing could prevent the future filing of time consuming motions.

At present the Defendant is working with Homeland Security Agent Stuart Maneth in an

investigation which may ultimately affect Mr. Vicharely's sentence. The investigation is not complete and we are requesting additional time to continue the cooperation.

2. The AUSA in this matter, Daniel Guess, is opposed to this continuance.
3. The defendant is compliant with the requirements of pretrial services.

The Defendant does not request this continuance for purposes of undue delay, but so that he may receive a proper and effective assistance of counsel. The protection of due process rights, effective assistance of counsel, and preparation of an adequate defense afforded by a continuance in this case, would greatly outweigh the public's interest for quick resolution of this matter.

WHEREFORE, premises considered, Defendant prays that this Court grant his motion for continuance for thirty (30) days and issue a new sentencing date.

Respectfully submitted:

/s/ Albert A. Flores
ALBERT A. FLORES
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San Antonio, TX 78212
(210) 225-4006
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered via E-filing/noticing to the United States Attorney's Office for the Western District of Texas, Austin Division, on this the 1st day of February 2012.

A handwritten signature in blue ink, reading "Albert A. Flores", is positioned above a horizontal line.

ALBERT A. FLORES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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NO. SA: A11 CR 259 LY (1)

JOSE RAMIRO VICHARELLY

ORDER ON MOTION FOR CONTINUANCE

On motion of Defendant, JOSE RAMIRO VICHARELLY, came on to be heard the foregoing Motion for continuance.

ORDER

On this the ____ day of _____, 20____, came to be considered Defendant's Motion for a Continuance, and said motion is hereby

(GRANTED)

(DENIED)

UNITED STATES DISTRICT JUDGE